

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JORGE ALBERTO MARTINEZ	§	
VS.	§	CRIMINAL NO. C-11-081
OFFICER FLORES, ET AL.	§	

RESPONSE OF GUARDIAN AD LITEM

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **DAVID DIAZ**, Attorney, and having been appointed on June 22, 2011, Guardian Ad Litem for Plaintiff **JORGE ALBERTO MARTINEZ**, who filed a Civil Action Pursuant to 42 U.S.C Section 1983, alleging excessive force during his arrest.

I.

Guardian Ad Litem would inform the Court he has reviewed Plaintiffs pleadings filed in Forma Pauperis alleging violation of 42 U.S.C. SECTION 1983.

An original answer was filed by defendants Nueces County Texas and ROBERT FLORES.

Accordingly this litigation will proceed before Magistrate Judge Brian Owsley, by consent of the parties.

Guardian Ad Litem has reviewed the Competency Evaluation of Plaintiff by Dr. Troy Martinez, Psy. D. submitted to the Court on March 9, 2011. Dr. Troy Martinez having found Plaintiff incompetent recommended that Mr. Jorge Alberto Martinez (Plaintiff) be transferred to an appropriate State Forensic Psychiatric Facility for treatment. On March 23, 2011 the Honorable Judge of the 347th District Court signed an order that JORGE ALBERTO

MARTINEZ, be committed to the maximum security unit of the North Texas State Hospital for a period not to exceed 120 days for treatment. The Sheriff of Nueces County released JORGE ALBERTO MARTINEZ "Plaintiff" to the custody of Vernon State Hospital May 4, 2011, where he remains at this time and may be there for up to 120 days. It would appear to Guardian Ad Litem that he will not return to NUECES County Jail until sometime in September 2011, if he gains competency.

A Status Hearing was held on July 7, 2011 at 9:00 a.m., at which time it was agreed by the parties before the Court that the case be "stayed." Guardian Ad Litem would recommend to the Court that a Status Hearing may be proper in sixty (60) days from this date to determine if Plaintiff is progressing in gaining competency or how much longer the hospital anticipates his treatment may last. Guardian Ad Litem will write a letter requesting this information and provide it to the Court and Defense Counsel, this would be in Plaintiffs best interest.

Respectfully submitted,

s/ David Diaz
David Diaz
Guardian Ad Litem
Attorney At Law
809 S. Port Avenue
Corpus Christi, Texas 78405
361-883-8903
State Bar No. 05804500
Federal Bar No. 4493

CERTIFICATE OF SERVICE

I, DAVID DIAZ, certify that a true and correct copy of the “RESPONSE OF GUARDIAN AD LITEM ” has been mailed to the Assistant County Attorney, Ms. Alissa Anne Adkins, 901 Leopard St., Rm#207, Corpus Christi, Texas 78401 and Assistant County Attorney , Ms. Rose Harrison, 901 Leopard St., Rm.#207, Corpus Christi, Texas 78401 on this the 12th day of July 2011.

s/ David Diaz

David Diaz
Attorney At Law

NOTICE OF ELECTRONIC FILING

Undersigned counsel hereby certifies that he has submitted electronically for filing a true and correct copy of this document in accordance with the Electronic Case File System of the Southern District of Texas on this the 12th day of July 2011.

s/ David Diaz

David Diaz
Attorney At Law